

LETTER FROM MAJ. GEN. FREMONT.

He Is Ranking Officer of the Army 1-1
at Butler, McClellan or Fremont?
New York, June 6, 1902

The Hon. EDWIN M. STANTON, Secretary of War:—
SIR:—I received from the War Department on the 23d inst. a copy of General Butler's demand to be declared a ranking officer of the Army of the United States regular and volunteer. By your order I am informed that his demand will be referred for decision to a board of officers, and I am invited to submit any remarks which I desire to make upon the subject, and am allowed for this purpose fifteen days from the date of your order. I desire to state that I have no objection to the question being brought to discussion. This is a case involving the acts of a government, which have a binding and conclusive

The strength of General Butler's argument rests upon the assumption that it was the President's "intention" to make him the senior major general, in consideration of his "meritorious services rendered in the service of the United States, &c." But the President did not make any recognition of these services public and effective. He did not carry out any such "intention" by nominating General Butler to the ranking position, but did so nominate General McClellan and Fremont, and gave General Butler an inferior date, placing him in what was inferior, and always has been, considered a distinct and separate branch of the military service. The Senate cannot these nominations accordingly, and by their action

stituted Generals McClellan and Fremont major generals of the regular army "to rank as such from the 14th of May, 1861," and General Butler a major general of the United States volunteer forces "to rank from the 14th of May, 1861.

[illegible][illegible]

to which no rank shall be held to take effect, is confirmed by the Senate. The rank and the date of its being fixed by the President and the Senate together, and the form in which they are both expressed is the commission itself, and the official record of the Army Register, which classifies officers under the head "date of commission," and knows nothing of any letters of appointment or oaths of office, but rests solely on the date of commission. The files and papers of the War Department

ent must be held to be authentic history of all public acts relative to that branch of the government. In this sense I understand General Butler to use the term "form," and if he relies on these forms he has no case, for as here presented law, fact and form" are combined on one side against General Butler's individual opinion on the other.

2. That "in consideration of meritorious services performed in the service of the United States, etc.," the President "intended" to give him seniority of rank.

But the President did not do so in the only public and

cial way which could give validity or binding force to the alleged intention. "For everything the Executive does there must be the warrant of the law;" the relations of General Butler and the other major generals fixed under this "warrant," and it would be unprecedented to say that any unfulfilled intentions of the President are sufficient of themselves to render void a deliberate and final act of the government to which he himself was a principal party. Upon the retirement of Lieutenant General Scott, all the officers whose rank is called in question by General Butler being then in active

On April 1, 1962, the President signed Executive Order 11644, authorizing the President to appoint or remove any member of the Joint Chiefs of Staff. The President's intention was to appoint or remove any member of the Joint Chiefs of Staff who was not a member of the Joint Chiefs of Staff. The President's intention was to appoint or remove any member of the Joint Chiefs of Staff who was not a member of the Joint Chiefs of Staff.

of the same corps with them. he draws the conclusion that this fifth paragraph of the Regulations does not apply to him in favor of the other corps. To this I have to reply—

1. That the major generals of the army do not constitute a corps.
2. And if they did, General Butler would not belong to the same corps with Major Generals McClellan and Fremont.
3. And if he did belong to the same corps with them, this fifth paragraph does not apply to him in any of his appointments, because his date is subsequent to theirs.

The major generals in the service belong to a grade and constitute a class; they do not constitute a corps. In the service, there was but one major general in the service and he could not very well be considered into a corps.

The Articles of War use the word corps in the sense of a grade or class, and not in the sense of a corps.

members, or any other military body having such organization, as the marine corps. A regiment is a corps, and an independent company is a corps, a body of officers, without regard to the number of men, and the term corps is used as a synonym of parts of regiments, or of whole regiments, united for a particular purpose, whether for an expedition, campaign or a part campaign, are not corps in the sense of the Rules and Articles of War, for such detachments are not a body temporarily so united; but the officers with such detachments hold commissions either in the corps commanded by the detachment, in the army at large, in the marine corps, or in the militia.

The same word, under the word "line," gives an exact extract from General Order No. 51, of the month of August, 1851. Here President Fillmore explains the rule regulating the seniority of rank among officers of different corps, and commands that "no question can arise as to the right of command, because the general officer, not being

General McClellan and Fremont were commissioned colonels in the regular or permanent army of the United States, and temporary raises for the suppression of the rebellion were granted them by the act approved July 29, 1861, entitled "An act to increase the present military establishment of the United States." There shall be added to the regular army, viz., 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827,

approved July 22, 1861, entitled "An act to authorize the employment of volunteers, &c." The fourth section reads: "That the President shall be authorized to appoint, by and with the advice and consent of the Senate, for the command of the forces provided for in this act, not more than six major generals, not exceeding six, &c." Section 5 of an additional act, approved July 22, 1861, says: "And he is further authorized to appoint, by and with the consent of volunteers, &c." The fifth section of the original act provides: "The President shall be authorized to appoint, by and with the advice and consent of the Senate, for the command of the volunteer forces, such number of major generals as may appear to him to be required for their organization," using no word which would require his judgment.

carry the same terms as in the previous act. These three acts indisputably show that Congress held the regular army and the volunteer forces to be distinct bodies, that Generals McClellan and Fremont belong to a separate military establishment, and not in any sense to the same corps" with General Butler. It requires an act of Congress and reorganization to bring these two bodies into one. Section 5 of an act approved June 26, 1812, entitled "An act for the more perfect organization of the Army of the United States," enacts "That the military establishment authorized by law previous to the 15th day of April

and the additional military force raised by virgin companies on or about 12th April, 1868, be, and the same are hereby incorporated, &c., &c."

While upon this subject of distinct corps it may be pertinent to make the following observation.—The appointments of Generals McClellan, Fremont, Butler, Hancock and Libby were all made in May, and were made in the public knowledge in the public journals of that month.

At that time, under the law (see 9th Article of War and under transmemorial usage, officers of the regular army ranked those of the militia or volunteers. And this usage was carried out through all the details of service—the regular troops as a body were always placed on the

clock, from the residence of his parents, corner of
Main and Clackson avenues.

Went—In Brooklyn, on Tuesday, June 9. Wm. H. V.
of the firm of Wood & Purnell, of this city, aged 37.

His friends and the friends of the family are cor-
dially invited to attend the funeral, from his late re-
sidence, No. 8 Thomson street, Bro-klyn, on Friday
noon, at two o'clock, without farther notice.

MISCELLANEOUS.

A

S T - 100-X

CAUTION.—The Poisonous Butter Bottle is secured

To imitate or use it for any other purpose is punishable with fine and imprisonment. Parties are of the consequences of filling empty bottles with other mixture, whether calling it Plantation Blue by any other name. We pay cash, sixty cents per dozen \$7.20 per gross, for all empty bottles, delivered at our factory, 103 Liberty street, thus removing any excuse

Any person pretending to sell Plantation Bitters in
or by the gallon, is a swindler and imposter. We sell
in our regular bottles, all bearing our private United
stamp and steel plate label and signature.

F. R. DRAKE & CO.,
232 Broadway, New-York.

Any person pretending to sell Plantation Bitters in
or by the gallon, is a swindler and imposter. We sell
in our regular bottles, all bearing our private United
stamp and steel plate label and signature.

F. R. DRAKE & CO.,
232 Broadway, New-York.

AMBROSIA OF DR. STERLING'S IS A STIMULANT
Oily Extract of Roots, Bark, and Herbs. It cures
diseases of the scalp and itching of the head, restores
faded dandruff, prevents the hair from falling out
prematurely gray, and causes it to grow thick and long.
Beware of imitations - None equal to Dr. Sterling's.

BEWARE OF IMITATIONS.
BEWARE OF IMITATIONS.
BEWARE OF IMITATIONS.

NONE GENUINE BUT DR. H. H. STERLING
NONE GENUINE BUT DR. H. H. STERLING
NONE GENUINE BUT DR. H. H. STERLING

Put up in boxes containing two bottles, price \$1. Sole
druggists, DR. H. H. STEELING, sole proprietor,
493 Broadway.

ARMY SUTLERS
The subscriber has in the bonded stores, several
dressed cases of his Schiedam Schnapps. The wrapper is
little stained, he will sell below his present price.
Schnapps is now used in all the hospitals in this city.
Also, pure Bourbon Whiskey, put up in bottles, in cases
one dozen each, which he is selling very low, consider
quality. UDOLOPH WO

A N EXCELLENT TONIC.
 "IN HOC VINCES."
 : : : : :
ROMAINE'S CRIMEAN BITTERS.
 I have always refused to sell any of the compounds
 as tonic bitters, as I believe them to be generally in
 and composed of deleterious drugs; but from a care
 of the "Crimean Bitters," backed by the certificate
 Chilton and Fohle, of New York, I have no hesitation
 commending them to my friends and customers.
FREDERICK S. COZZEN.

Agent of Longworth & Co.
 73 Warren

A **ARMY BUTLERS.**
 OLD COGNAC BRANDY.
 IMPORTED AND BOTTLED BY THE SUBSCRIBER.
 MADEIRA AND SHERRY WINE.
 VINTAGES OF 1836 TO 1852.
 SOME OF THE BEST BRANDIES IMPORTED.

PORT WINE
DRY AND SWEET, VERY FINE AND OLD
JAMAICA AND ST. CRUZ RUM
IMPORTED AND BOTTLED 1860.
EQUAL TO ANY IN THIS COUNTRY.
OLD BOURBON WHISKEY.
Received direct from Kentucky, and warranted pure

ATTENTION. PHOTOGRAPHERS!!!—BRAU
Ovals, Rose and Giltz, cheapest in New York. Also
The trade supplied at 61 Nassau street. Cut this
card.

power by foolishly drinking concoctions named by fabricators "Bitters," but more generally known as "gin." The French Cognac Bitters go straight to the disease, rid the body of humors and revitalize the system. They are sold by all respectable druggists and wholesale and retail by the sole agent for the States, S. STINFELD, 70 Nassau street, New York.

A GENERAL ASSORTMENT OF BOOTS AND SHOES of the first quality, at reasonable prices, at 377 West to Fifth street, or at 290 Third avenue, near fourth street. WM. T. ALLEN, N.Y.

A BOX OF NOTE PAPER, READY INITIALS in all kinds, A to Z, price only \$1 75. At GIMMER 608 Broadway.

BLECKER LAUNDRY-137 BLECKER STREET. 10c. to 75c. per dozen. Work sent for and delivered.

CORNS, BUNIONS, BAD NAILS, AC. CURED
out pain by Dr. RICK, Chiropodist. Dr. Rice
bilator cures corns, bunions, bad nails, ac. 50 cents
No. 58 Bowery, corner of Canal street.

CORNS, BUNIONS, INVERTED NAILS, ENLARGED
joints and all diseases of the feet cured without
or inconvenience to the patient by Dr. EACHAM,
geon Chiropodist, 760 Broadway. Refers to physicians
surgeons of the city.

DIRECTION LABELS AND TAGS—ALL in white and colored, printed and plain, in quantities to suit purchasers, at VICTOR E. MAUGER'S, 115 Broadway.

DRESS SUMMER HATS FOR GENTLEMEN, in all the latest shapes and qualities. GENIN, 313 Broadway.

DONT SELL YOUR BOOKS FOR OLD PAPER!—I have encyclopedias, histories, biographies, etc., bought for 10¢ (10¢) Books on science, history, biography, etc., at 10¢.

EYE AND EAR.—DR. CADWELL, 34 CLINTON
(Eighth street) near Broadway, is a practitioner of twenty years experience in the treatment of diseases of the eye and ear. Advice gratis. Office hours from 9 to 5.

FINE DRESS SHIRTS TO ORDER,
UNRIVALED
IN MANUFACTURE.

FITTING AND MATERIAL.
AT UNION ADAMS,
NO. 627 BROADWAY.

FOR LADIES' COUNTRY AND SEA SIDE WEAR.
good wide brim sensible straw Hat.
GENIN, 513 Broad

GENIN, 513 BROADWAY—VERY FINE LEO

IT OPERATES LIKE MAGIC.
MRS. WINSLOW'S SOOTHING SYRUP.
FOR CHILDREN TEETHING.

Softens the gums, reduces inflammation, allays all
 Sore to regulate the bowels. Perfectly safe in all ca
 millions of mothers can testify.

Twenty-five cent a bottle.

Offices No. 48 Dry street, New York, and 235 Hig
 born, London, England.

IN PRESS, AND WILL BE PUBLISHED ON SATURDAY
day next,
THE CASTLE'S HEIR,
BY
MRS. HENRY WOOD.
Author of "East Lynne," "Earl's Heirs," &c.
Embellished with eleven large illustrative engravings—the best scenes in the work engraved from original drawings made expressly for this edition by the first artist in the country, irrespective of cost.
It will be published complete in two large octavo volumes beautifully illustrated, and neatly done up in paper covers, gilt edges, or bound in one volume in cloth.

Address all orders to the Publishers,
T. B. PETERSON & BROSSEMER
306 Chestnut street, Philad.
And they will receive immediate attention.

IF YOU WANT TO BE CURED OF G. Y.
Blisthes on the body,
Spring is the time to use Dr. LEATHE'S
WELLOW DOCK STRUP.

Which purifies the blood, invigorates the body, gives the nerves strength to the muscles and health channel, joint and limb.
One dollar per bottle, which often cures.
Depot, 136 Chatham street, New York. Sold at 50 street.
Ask for LEATH'S YELLOW DOGE SYRUP.
other. Established 1842. Sold by druggists every where.

LADIES' RIDING AND SEA RIDE HATS.
GEMIN, 513 Broadway.

ORIGINAL AND SCIENTIFIC TREATMENT
and evening, at the Institute, 23 Cooper Union
ing, or residence of patients by appointment. Consult
in English, French and German. J. H. WARD
NAPOLEON PHELPS, Consulting Physicians, S
and Medical Electricians.

PETH HATS FOR GENTLEMEN, THE COME
for summer ever made, invaluable to any one
to the sun. GENTN, 513 Area

REMOVAL—LAIRED'S CELEBRATED WIGS
and Ornamental Hair Work removed to 102

STRAW HATS FOR MEN, BOYS, LADIES
Misses, at GENUIN'S, 583 Broadway.

STRAW HATS OF ALL STYLES AND PRICES
largest assortment in the city; also all kinds of
HATS in every variety. GENUIN, 583 Broadway.

U. S. PATENT - GRIMSHAW'S PATENT
graphic Vanillette Printing Frame and Slide
one printer does the work of six hands it's wonderful.
See advertisement in this issue.

TOO LATE FOR CLASSIFICATION
LOST—LAST EVENING, OPPOSITE OR IN NEARBY
 to a Fifth Avenue stage from the first a
 Purse, with about \$4. A suitable reward will be paid
 to the finder.